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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,418	03/26/2004	Robert C. Malkemes	MALKEMES 1-9-8-2	8934

47396 7590 01/23/2007
HITT GAINES, PC
AGERE SYSTEMS INC.
PO BOX 832570
RICHARDSON, TX 75083

EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/810,418

Applicant(s)

MALKEMES ET AL.

Examiner

Jean A. Gelin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 8, 10-12, 15, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Aaltonen et al. (US 2005/0097053).

Regarding to claims 1, 8, and 15, Aaltonen teaches broadcast retransmitter for use with a wireless local area network (WLAN) (fig. 1), comprising: a gateway configured to format a bitstream received from a broadcast receiver (i.e., GTW 18 coupled to AP 30 received content from digital broadcaster 32 or server 22, and configured to communicate with the terminal 10 using the WLAN technique [0032]) for: delivery to a wireless access point (WAP) of said WLAN ([0032]); and subsequent conversion by said WAP into a wireless transmission over said WLAN to make said bitstream available for reception by a client of said WLAN (i.e., converting the content to a form suitable to use by the terminal 10, [0044] and [0055]-[0057]).

Regarding to claims 3, 10, and 17, Aaltonen teaches wherein said broadcast receiver is a terrestrial receiver ([0034]).

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Regarding to claims 4, 11, and 18, Aaltonen teaches wherein said gateway formats said bitstream according to a format selected from the group consisting of: Ethernet, any number of interfaces such as IEEE 1394, USB, and PCI ([0032], [0040]-[0041]).

Regarding to claims 5, 12, and 19, Aaltonen teaches wherein said WLAN conforms to an IEEE 802.11 standard (i.e., corresponding to Bluetooth interface or short range interface, [0040]-[0041]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Stockton et al. (US 6,243,427).

Regarding to claims 2, 9, and 16, Aaltonen teaches all the limitations above except the broadcast receiver is a satellite receiver.

However, the preceding limitation is known in the art of communications. Stockton teaches to transmit bitstreams signals must be put in suitable condition in accordance with the transmission method used to transmit the bitstreams between provider 10 (corresponding to broadcast receiver) and transmitters 11, point-to-point digital transmission methodology such as satellite can be used (col. 10, lines 12-22).

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Stockton within the system of Aaltonen in order to reduce the effective bandwidth of the broadcast signal by multiplexing available channels of signals into a set of formatted digital bitstreams and transmit the bitstreams to access points accessible to wireless users.

5. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Eng (US 6,370,153).

Regarding to claims 6, 13, and 20, Aaltonen teaches all the limitations above except bitstream includes a plurality of channels and a channel is subsequently selected therefrom.

However, the preceding limitation is known in the art of communications. Eng teaches one bitstream containing an indication of one of the slots of upstream payload channel is assigned to station for transmission (col. 4, lines 28-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Eng within the system of Aaltonen in order that the reservation request control packet can indicate the address or identifier of the SS, the number or size of slots needed transmit payload packet.

6. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Chen (US 6,728,824).

Regarding to claims 7, 14, and 21, Aaltonen teaches all the limitations above except a channel selector interposing said broadcast receiver and said gateway, said bitstream including a selected channel.

However, the preceding limitation is known in the art of communications. Chen teaches a method for controlling incoming multi-channel bitstreams and the selector selects the memory controller based on received data type in an incoming bitstream (col. 2, lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Chen within the system of Aaltonen in order to store data from an incoming bitstream without storing an associated data type for each data word.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vertelney	US 2004/0029525	02/12/2004
Muzaffar	US 2004/0038692	02/26/2004
Lopponent et al.	US 2004/0120474	06/24/2004
Noreen et al.	US 2002/0183059	12/05/2002
Carro	US 2006/0136549	06/22/2006

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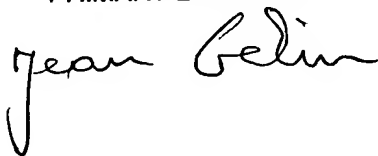
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER

JGelin
January 21, 2007

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in black ink and is positioned below the printed name and title of the examiner.